



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,958	09/15/2000	Ganesh Mani	284355-00003-1	3030

7590 09/22/2005

David C Jenkins
Eckert Seamans Cherin & Mellot LLC
600 Grant Street
44th Floor
Pittsburgh, PA 15219

EXAMINER

REAGAN, JAMES A

ART UNIT	PAPER NUMBER
----------	--------------

3621

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

1. This action is in response to the ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER filed on 15 August 2005, ORDERED that the application is returned to the examiner to:
2. Hold the Appeal Brief of 06 January 2005 defective;
3. Have the applicant file a Supplemental Appeal Brief in compliance with CFR 5 41.37;
4. Vacate the Examiner's Answer mailed 10 March 2005, and issue a revised Examiner's Answer in accordance with the new rules effective September 13, 2004.

Rules of Practice Before the BPAI

2. Content and format of the appeal brief (§ 41.37)
 - One copy of the brief is required rather than three copies consistent with the implementation of IFW.
 - The brief is required to be filed within two months from the date of filing of the notice of appeal.
 - The time period is extendable under § 1.136 for patent applications and §1.550(c) for ex parte reexamination proceedings. See § 41.37(0).
 - The brief can no longer be filed within the time period for reply to the action from which the appeal was taken.
- §
- m*

Art Unit: 3621

3. The brief must contain the following items (§ 41.37(c)):

Real party in interest (similar to former § 1.192). A statement identifying by name the real party in interest even if the party named in the caption of the brief is the real party in interest.

Related appeals and interferences (similar to former § 1.192). Identification of all other prior and pending appeals, interferences or judicial proceedings which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision.

Status of claims (similar to former § 1.192). The status of all the claims in the proceeding (e.g. rejected, allowed or confirmed, withdrawn, objected to, canceled) and an identification of the appealed claims.

Status of amendments (same as former § 1.192). A statement of the status of any amendment filed subsequent to final rejection.

Summary of claimed subject matter (replacing "summary of invention").

- A concise explanation of the subject matter defined in each of the independent claims involved in the appeal,
- Must refer to the specification by page and line number, and to the drawing, if any, by reference characters,
- For each independent claim involved in the appeal and for each dependent claim argued separately,
- Every means plus function and step plus function must be identified, and
- The structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

Grounds of rejection to be reviewed on appeal (replacing "issues for review" and "grouping of claims").

- Example: Claims 1 to 10 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. X

Argument (has been revised).

- A separate heading is required for each ground of rejection.
- Any claim(s) argued separately should be placed under a subheading.
- A statement which merely points out what a claim recites will not be considered an argument for separate patentability of the claim.
- When multiple claims subject to the same ground of rejection are argued as a group, the Board may select a single claim from the group to decide the appeal with respect to the group of claims as to the ground of rejection on the basis of the selected claim alone.

Claims appendix (similar to former § 1.192).

- A copy of the claims involved in the appeal.

Evidence appendix (new)

- Copies of any evidence entered and relied upon in the appeal.

Related proceedings appendix (new)

- Copies of decisions rendered by a court or the Board in any proceeding identified in the related appeals and interferences section.

Art Unit: 3621

4. The examiner will review the brief to determine whether the items required by § 41.37(c) are present. If a brief does not comply with the requirements set forth in § 41.37, the appellant will be notified of the reasons for noncompliance. Appellant will be given 1 month or 30 days from the mailing of the notification of non-compliance, whichever is longer, to file an amended brief.
5. In the present case, the currently filed appeal brief is missing the evidence appendix and the related proceedings appendix. Correction is required.

Art Unit: 3621

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **James A. Reagan** whose telephone number is **571.272.6710**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **571.272.6712**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

571-273-8300 [Official communications, After Final communications labeled "Box AF"]

571-273-8300 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**:

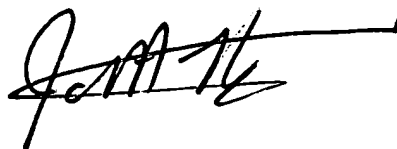
Randolph Building

401 Dulany Street

Alexandria, VA 22314.

JAR

13 September 2005

A handwritten signature in black ink, appearing to read 'JAR', with a long horizontal line extending to the right.